Department of Land Revenue

OFFICE Board of Revenue

STATION Chepauk.

Mis. **No.** 9373

Dated 25-11-34

Suits - original - (Bellary) - Bellary district munsiff's court - O.S. 452 of 19.
Siruguppa Taluk - Agasanur Village
Village Site - Private claim - defence
sanctioned.

Revenue. DEPARTMENT. B3745

In reply, please quote number, date and short title.

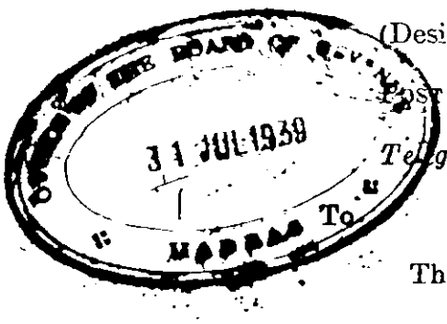
Received *Registered*

From (Name) A.D. Crombie, Esq., C.I.E.,I.C.S.,

(Designation) Collector,

Post Box, (STATION) Bellary.

Telegraphic Address



To

The Secretary to the Board of Revenue,
Madras.

S.R. *No.* 4/39-A1., *dated* 26 - 7 - 19 39

Sir,

Suits- O.S.452/38- Bellary - District Munsif Court- filed by Pompa Reddi - Siruguppa taluk- Agasanur village - against government.

ENCLOSURES

SPARE COPIES

The above suit is posted to 14-8-1939 for filing a written statement.

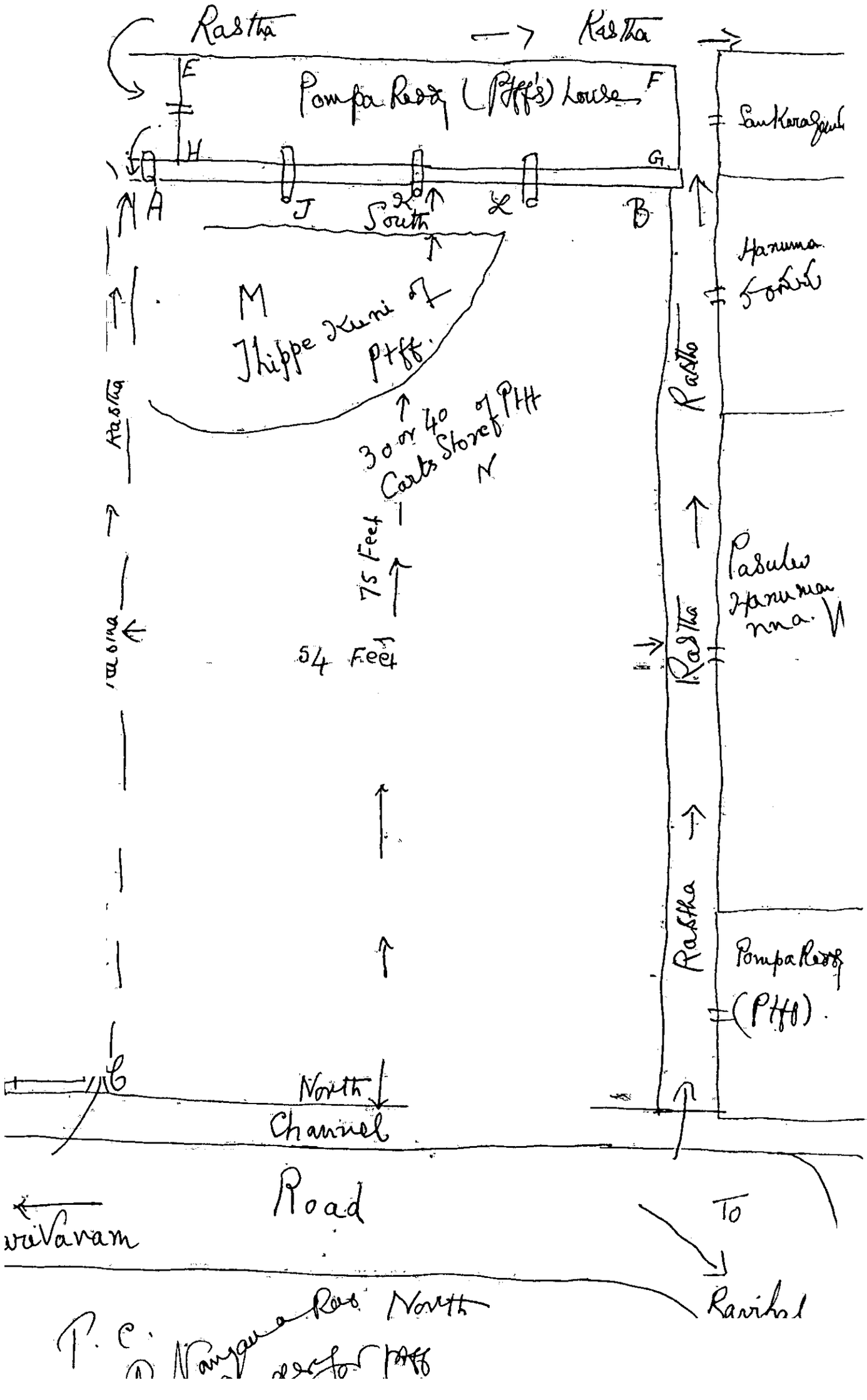
2. The fact of the case are as follows:-

One Lakshmakka of the village had applied for the assignment of the site in question for house building purposes. The Plaintiff Pompa Reddi put in an objection petition claiming the site as his own. The Tahsildar Siruguppa on inspection of the site declared it as belonging to government for the reasons stated by him in the inspection notes at page 17 of the H.S.File enclosed. A typed copy of it is at page 15 of the file. Subsequently the site was assigned to the applicant. Thereupon the Plaintiff petitioned to the Revenue Divisional Officer Bellary, and he was told to prefer an appeal against the Orders of the Tahsildar if so advised. Instead of doing so, the Plaintiff has now filed a suit against government. He has not issued a suit notice to me as required under section 80 Civl P.C. The Government Pleader Bellary who was consulted in the matter is of opinion that the suit is not tenable , and that it can be successfully defended.

P.T.O.

I enclose herewith a copy of the plaint , and a draft written statement, and request that the written statement may be approved and returned to me in time for filing it in the Court on 14-8-1939.

For Collector. 27.7.39


Rastha
Rastha
Pompa Reddy (Pfff's) House
E
F
H
G
A
J
K
L
B
South
M
Thippe Reddi of Pfff.
30 or 40 Carts Store of Pfff
N
75 Feet
54 Feet
Rastha
Rastha
Rastha
Rastha
Sankaraguda
Hanuma Forest
Pasules Hanuma nna.
Pompa Reddy (Pfff)
North
Channel
Road
Vavaram
To
Ravikal

24 JUL 1939
BELLARY

In the Court of the District Munsif, Bellary.

O.S., No.,452/38

Pampa Reddy .. .. Plaintiff.

Versus

Pakeera and Four others .. Defendants.

Written statement on behalf of 5th defendant.

1 This defendant denies all the allegations in the plaint which are not expressly admitted herein and puts the plaintiff to strict proof of the same.

2 The suit is not maintainable in law.

3 Notice required under section 80 Civil Procedure Code, has not been given. The suit has therefore to be dismissed in limine.

4. The Plaintiff, if aggrieved by the Tahasildar's order, ought to have preferred an appeal to the ~~Sub~~-Revenue Divisional Officer, Bellary. Suit is therefore not the proper remedy.

5. The suit site in question is Government site and Plaintiff has no right or title to the same.

6. The adverse possession pleaded is denied and Plaintiff is put to strict proof of the same.

7. Plaintiff's suit may therefore be dismissed with costs.

Verification,

I ,Collector Bellary hereby declare that what is stated herein is true to my knowledge and information which I believe to be true,

In the Court of the Dist. Munsif, Bellary.

O.S.No.452/38.

Between Pompa Reddy ..... Plaintiff.
and

Pakeera and others..... .....Defendants.

Plaint filed under Sec.26 and O.7.R.1.C.P.C. on behalf of the Plaintiff.

The plaintiff above named begs to state as follows:-

1. The plaintiff is Pompa Reddy, son of Venkata Reddy, 30 years, Kapu, Cultivator, Agasanoor, Sirūguppa Tq.,

Address of the plaintiff is C/o

R.Narayana Rao, R.Aswatha Rao,

Pleader, Bellary. Advocate,

2. The defendants are

1. Pakeera, son of Bhimanna,
2. Devaga son of 1st defendant,
3. Sidda do. do. Boyas Majors, Cultivators, Agasanoor, Siruguppa Tq.
4. Rajolli Laxmakka, wife of 1st defendant. do. do.
5. The Secretary of State for India, Represented by the District Collector, Bellary.

3. Plaintiff is the owner of the house marked E.F.G.H. shown in the ~~plaint~~ plan herewith filed which he has inherited it from his ancestors for over 60 years and is so entitled to all the easements appurtenant to and annexed to the said to the said house i.e., to the spouts marked J.K.L. etc. Plaintiff is the owner of the site marked A.B.C.D. in the plan and the ancestors of the plaintiff have been in complete possession and enjoyment of the said site which is situate towards the southern side of the said house of the plaintiff and were so enjoying in their own right as owners openly, continuously adequately and adversely and which the plaintiff has been so enjoying. for over a period of 60 years without any obstruction whatsoever by any one. The plaintiff's ancestors have dug out a huge pit by the southern side of the ~~said side~~ said house for purposes of heaping their manure, 60 years ago and have continuously used the said ThipeeKundi i.e. Manure Pit marked M for collecting their manure, and plaintiff has been openly continuously and adversely using it as owner thereof for the same purpose. Again plaintiff has a right to

allow the rain water etc. from his house to fall on the said site adjacent to the said house and passage of the same over the said site without any obstruction whatsoever from any one. Again plaintiff's ancestors have been permanently using the said site measuring 75 feet by 54 feet for keeping their agricultural implements and their cattle in their own right and plaintiff has been so doing up to now without any obstruction or interruption from any person whatsoever at any time. Therefore plaintiff's ancestors and plaintiff have held the site marked A.B.C.D. as owners exclusively, openly and continuously notoriously and adversely for over a period of 60 years and none have any right title or interest in the same.

4. The defendants intent to cause loss damage and injury to plaintiff's property A.B.C.D. and with intent to destroy his rights and easements in and over the said property and also of the rights and easements in and appurtenant to his house marked E.F.G.H. Have ready stone wood and other material and hav been engaging coolies to dig out foundations for building purposes within the said site and thereby interfere and invade the rights and easements of the plaintiff in the site marked A.B.C.D. and the injury and mischief and damage is imminent and threatened every day and the defendants are about to carry out their plan without within about 3 or 4 days and are making preparations to do so since about 3 or 4 days. Nothing will stop them. The damage and injury to the easements cannot be compensated.

5. The defendants have no right, title or interest in the said property and have been instigated by the Village Karnam Ranga Rao, onaccount of ill will and Sankara Gowda.

6. Plaintiff has therefore filed the above suit for declaration of his title to the site marked A.B.C.D. and for permanent injunction preventing the defendants their agents or servants from digging, building etc., and interfering with the rights and easements in the said property etc.

7. The value of the suit for purposes of Court Fee and jurisdiction is as follows:-

Value of the site i.e. plot marked A.B.C.D. as per Sec.V11

Cl.IV. Sub.Cl. C. Rs.25/-

Court Fee thereon is Rs.

The prayer for permanent injunction is a consequential relief.

8. The cause of action for the suit arose on 12th inst. at Arasanoor, Siruguppa Tq., when the defendants collected stones for the construction of structure and subsequently when the defendants are making preparations to construct etc. within the jurisdiction of the Honourable Court.

9. Plaintiff therefore prays that the Honourable Court may be pleased to

1. Declare plaintiff's title to the site marked A.B.C.D. in the plan with reference to all the rights and easements there on

2. For a permanent ~~xxxx~~ injunction restraining the defendants their agents or servants from interfering with the said Property A.B.C.D. and building any structure therein,

3. For costs of the suit and

4. For such other relief as the Honourable Court may deem it fit and proper

Schedule.

Situate in the village of Agasanoor (marked A.B.C.D. in the plan) in the registration sub division of Siruguppa and district of Bellary, Anantapur and bounded on the east by Rasta and the house of Husainamma and Manekka on the west by rastha and house of Plaintiff Pasula Hanumanna Hanumma and Sankaragowda, on the north by the channel and road and on the south by the house of the plaintiff E.F.G.H. measuring 75 feet by 54 feet value Rs.50.

Verification

I the plaintiff above named do hereby declare that what is stated above in paras 1 to 8 is true to the best of my knowledge information and belief and signed this at Bellary on 15-8-38.

T.Copy

T.C.

R.V. Rao
Pleader, 5-7-39.

Pleader for Plaintiff. 5-7-39.

Suits -(Bellary) - Bellary distric Munsif's Court - O.S. 452/38 - Siruguppa Taluk - Agasenur (ryotwari) village - Village site - Private claim - Defence.

B. 3745/39 from the Collr. Bellary S.R. No. 4/39-A1 dt 26-7-39.

Ref. B. 3745/39-1 dt 9-8-39.

In c. has in support of his contention that the site in dispute is in the ditch while the plaintiff's house is in the fort and that it is not correct to suggest that the ditch outside the fort wall forms part of a house inside it. The Collector is requested to give more details on this aspect of the case and to examine the records in favour of the Govt.' and submit a full and detailed report on the claim of the plaintiff.

2. In his objection petition dt 23-6-38 contained in

the disposal of the case referred to above, the plaintiff has stated that his family purchased the house and the site in a Court sale and refers to certain witnesses. The Collr. is requested to report whether there are any documents relating to the sale and if so whether these documents and the witnesses were examined by the Tahsildar, and if so, with what result. If this has not already been done the Collr is requested to direct the Tahr to do so now and submit a report in the matter.

3/- The Collector is requested to apply for an adjournment of the case

to the Collr. of Bellary with
R. Dis. (H.S.V) No. 40/47 dt 19-9-38 (V)
to be sent with reply.

Revenue. R.P66

B(5464)

3745/39

C.F. 32.

Revenue DEPARTMENT.

In reply, please quote number, date and short title.*

Received *Registered*

From (Name) A.D. Crombie Esq., C.I.E.,I.c.S.,

(Designation) Collector,

Post Box . (STATION) Bellary.

Telegraphic Address

OFFICE OF THE BOARD OF REVENUE 7-NOV 1939 MADRAS

To

The Secretary to the Board of Revenue,
Madras.

Ref.C. *No.* S.R.4/39, *dated* 5-11-39. 19 .

Adjournment applied already.

Sir,

* Suits - Bellary District Munsiff - O.S.452/38 - Siruguppa Taluk - Agasanur village - Village site private claim - Defence.

Ref:- This office Ref.S.R.4/39-A-1 dated 26-7-39.

Borad's Ref.B-3745-39-1 dated 9-8-1939.

ENCLOSURES 1 Sketch.

English Translation

Taluk Accts 1154 0/42 Pp 15-16 cf

SPARE COPIES

By Regd Post A.D. 14 cf

I enclose a sketch showing the relative position of the house of the plaintiff and the site in dispute. The plaintiff's house is adjacent to the fort wall to its north whereas the site in question is in the ditch about 8 to 10 feet below the level of the houses. It is an open site, and there is nothing in it to indicate that it was ever in possession of the plaintiff. He did not store manure in it, or used it as a cattle shed or for keeping agricultural implements as alleged by him. After the site marked A B C D in the sketch was assigned to Rajolli Lakshmakka, she has constructed a roofed house in the site marked X Y Z G Z. The plaintiff has subsequently heaped up some rough stones in the portion marked in 4 in the sketch evidently to create a right over the site.

2. The plaintiff does not possess any document in support of his statement that his family purchased the house and the site in question in a court sale. A copy of the gift deed obtained from the plaintiff is enclosed, through which he has inherited the house and claims that the site in dispute has been included in its boundaries. The Tahsildar, Siruguppa reports after verying the measure-

measurements of the house on the ground, that they agree with those mentioned in the document, and the site in dispute does not fall within the measurements given in the deed. Of the four witnesses cited ~~xx~~ by the plaintiff in his objection petition dated 23-6-1938, he produced only two before the Tahsildar and dispensed with others. One of them is his servant, and the other his relation. They have deposed that the site has been in the enjoyment of the plaintiff's family for the last 30 or 40 years. Their evidence~~x~~ is interested. In his objection statement dated 23-6-39 and in his statement before the Tahsildar, the plaintiff has stated that the period of enjoyment is about 50 years. The period of over sixty years has been mentioned in the plaint, obviously to create a right over the site against the Government.

3. Some of the respectable ryots and village officers have pp 29 been examined. They have affirmed that the site in question was being used by the villagers for cattle stand and storing manure, and that the plaintiff had no exclusive possession~~x~~ and enjoyment of the site. In the year 1935, the plaintiff's family had put up a manure heap on the site. Its occupation was considered objectionable by the then Tahsildar Sri. K. Venugopal Nayudu, and it was given up by the squatter voluntarily. An extract of the remarks dated 6-10-34 made in the adangal by the then Tahsildar is as follows:-

S.No.262 - extent Acres 13 -60; Village site poramboke.

1) Manure heap by Pedda Govindappa in front of Boyas' houses.

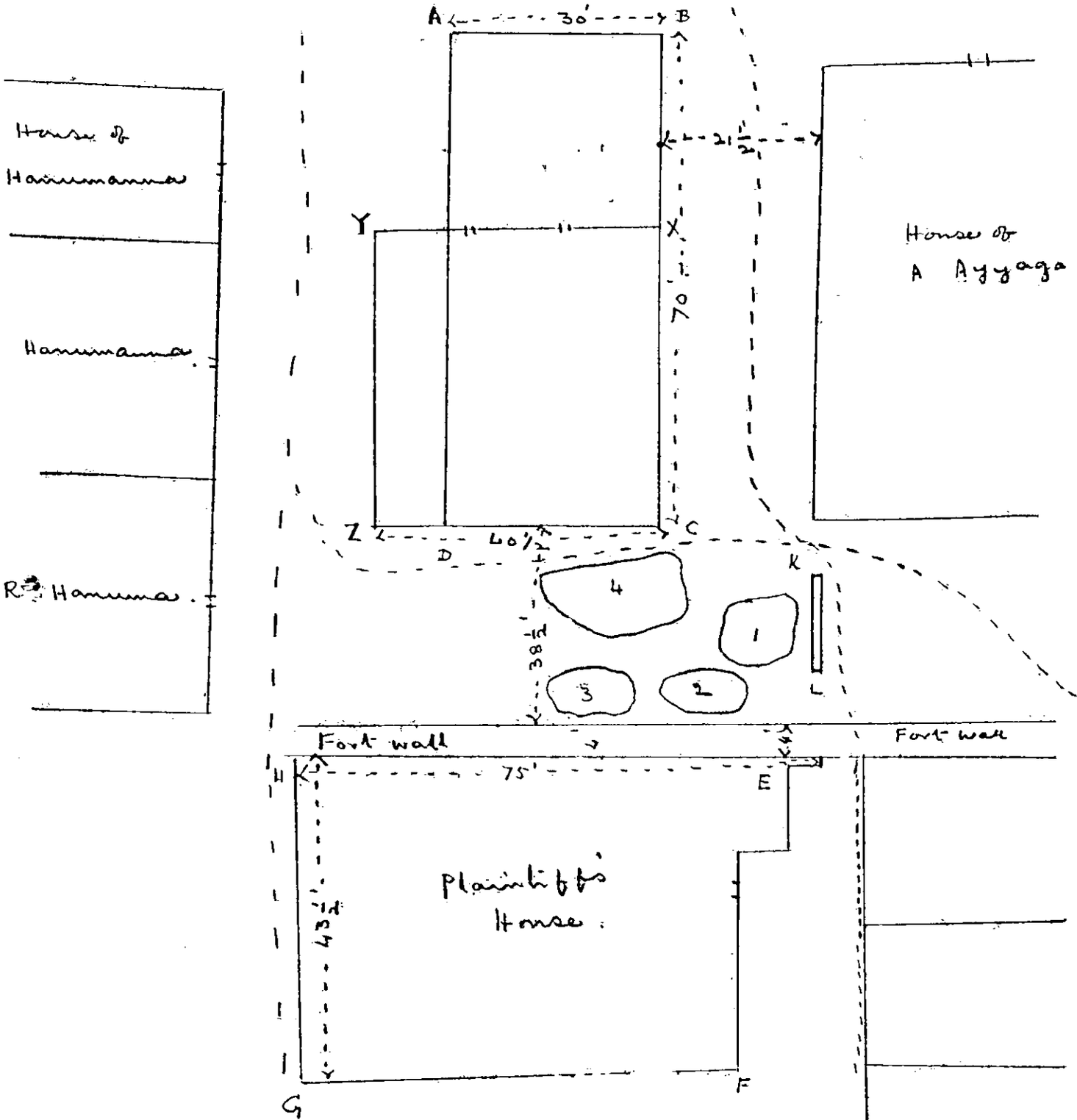
2) Manure heap of Krishtayya behind his house and shop. ~~xxxxx~~ Are objectionable.

(Sd) K.V.N. 6-10-34,
Tahsildar.

From this it is evident that the site in dispute has been all along treated as a Government site.

4. The record of enquiry with English translations of the pp 21-35 of statements and the deed is submitted for the perusal of the Board. In these circumstances I request that the draft written statement p 9 of submitted with this office Ref.S.R.4/39 dated 26-7-39 may be pp 1-2 of returned to me duly approved in time for being filed in the court on 15-11-39 to which date the case stands posted for hearing.

Kharge No 35
Name Agasanur



A B C D is the site granted to Rajolu Lakshmakka.
~~in S.R~~ in H.S.R vols 40/47

X Y Z C is the site actually built upon

(1) manure pit occupation by Kuruba Sthadeva
(2) — do — Pingani Dastagiri
(3) — do — Dangam Basayya.
(4) Heap of rough stones by the plaintiff.

K L is the foundation of rough stones put up by the owner of manure pit No. (1)

(Sd) B.C. Pillai
Tahsildar
7.9.39

(True copy)

for C 6.11.39
B5

Statement of Pompa Reddy Son of Venkatareddy of Agasanur village before the Tahsildar of Siruguppa.

Racholli Lachumakka put in a petition to the Tahsildar for the grant of house site towards the Northern side of my house for which I protested in my petition dated 23-6-38. I stated in my petition that the site in question is under our possession and enjoyment as it was purchased in the time of Ayyana Gowd, the elder brother of my father, about 50 years ago. Ayyana Gowd has died. I do not know when he died. I have ~~neighbour~~ neither certificates of auction or that of possession with me. I have no records of any kind about this. Now I have not heaped up manure or kept my agricultural implements in the said site. From about 3 - 4 years I am not liming in that house . I am not heaping manure or keeping Agricultural implements in the said site from about 3 - 4 years . Now ~~that~~ in that place towards the Southern part of Racholli Lachumakka's house, Kuruba Sahadeva, Pinjara Dastagiri , Jangam Basayya, are now heaping manure. Some others have kept fuel, dung-cakes etc adjacent to the fort wall. I am now living in other house. The other house which is near the said site in question is utilised by me to keep corn etc. I hear my statement read and find it correct. .

(Sd) Pompareddy.

In my petition dated 23-6-38 I stated that enquiries might be made in the village. Phasalu Hanumanna is not in the village at present. He has gone to Ravihal. Malana Gowd has gone to Develapuram.

(Sd) Pompa Reddy.

(True copy)

Statement of Lambera Venkappa son of Bhimayya of Agasanur village before the Tahsildar of Sirugappa.

The house of Pompa Reddy is adjacent to the southern side of the fort wall. Towards the northern side of this house is the house of K. Lachmakka to whom the Government have granted site to build her house. I know that Pompa Reddy has protested for the grant of the site on the pretext of his ownership of the land. The site in question has been made use of by Pompa Reddy by heaping manure and keeping agricultural implements. Now Pompa Reddy is not heaping manure in the said site. He is not keeping the agricultural implements too. Other ryots of the village have heaped manure heaps adjacent to the fort wall. Some others have heaped dung cakes and fuel. I know that the site in question is under the possession and enjoyment of Pompa Reddy since 30 years. I do not know the purchase made by the great-father of Pompa Reddy. I am aged about 50 years. I work as a cooly whenever Pompa Reddy call me. I hear my statement read and find it correct.

(Sd) Pujari Yankappa.

My house is situated very near to that of Pompa Reddy.

(Sd) Pujari Yankappa.

b.11.

Statement of Virupana Gowd son of Ayyana Gowd of Agasanur village before the Tahsildar, Siruguppa.

The house of PompaReddy is towards the southern side of the fort wall. The Government have granted site for building a house to K. Lachmakka. The site in question is under the possession and enjoyment of Pompa Reddi from about ~~xxxx~~ 30-40 years. The people of Pompa Reddy were heaping manure and keeping ~~xxxx~~ agricultural implements there. I have heard thatAyyana Gowd has purchased the land in auction by court. Since 2 years Pompa Reddy is not living in that house. He has kept corn in the house. Since 2 years he is not heaping up manure in the said site. He is not keeping there any agricultural implements. Pompa reddy is my son-in-law. My house is not near the house of Pompa Reddy. I am aged 60. I hear my statement read and find it correct.

(Sd) Virupana Gowd.

Statement of Jangam Basayya - age 63 years of Agasanur village before the Tahsildar of Sirugupp a.

The Government have granted to Kacholli Lakshmakka, on house site patta, the open space on the northern side of the house of Pompa Reddi of our village. Pompa Reddi has put in an objection petition claiming that the site in question is his own. The site was in possession of the ancestors of Pompa Reddi for the last 40 years and they used to heap manure, and store agricultural implements in the said site. Pompa Reddi is not living in that house for the last 4 years but he has stored only seeds. No heaping of manure, or storing of agricultural implements or the presence of the catte is seen in the said site for the past 4 years.

I have heard from Kamaladoddi Ayyanna that the said site is in possession of Pompa Reddi in connection with his debts. I do not know whether there are any sale deeds. I am not a witness for the sale deed. I live in a house close to the above said house which is in question. I am not in any way related to Pompa Reddi. My age is 63 years. I hear my statement read and find it correct.

(Sd/ Basayya.

Statement of Goudra Venkana Gowd (aged 64 years) Virupaksha Reddy (aged 36 years) Parthapuram Basavana Goud (aged 45 years) T. Sankara Gowd (44 years) of Agasanur.

Pompa reddy has no claim for the site in question as it is not in his possession and enjoyment. He has not at all used the site for heaping manure or storing implements there. The site is not used for cattle also. He has never used the lands for his purpose. The site is used by the public for heaping manure, and allowing cattle to graze. It is Government land which is used by the public. Govinda Reddy, during his life-time, used to heap manure there. Other ryots also used to do the same . After Govinda reddy's death, manure is not heaped there. Pompa reddy was not at all residing in that house. He has now stored up seeds in that house.

(Sd) Venkana Goud.
Basavana Goud
Virupaksha reddy
T. Sankara Gowd.

(True copy)

Further statement of Pompa Reddy before the Tahsildar, Siruguppa.

Govinda Reddy has executed a gift deed of his property in name. The gift deed of 22-2-1932 has been registered in the sub registration office. True copy of the deed is presented you and taken back. The deed number is 106 and the date of registration of the Sub registrar's office Siruguppa is 22-2-32. The boundaries of the house adjacent to the open space in objection are:-

E. Open Space.

W. Land

N. Rastha

S. Rastha

Dimensions.

E-W ... 25 yards.

N-S ... 12 yards.

I heard the statement read and found it to be correct.

(Sd) Pompa Reddy.

Ayyana Gowd and Govinda Reddy are brothers. At the time of partition, the site in question and the adjacent house were got by Govinda Reddy who gave me the house and the site. There was no deed of any kind to prove that the site in question has been given by Govinda Reddy to me. He simply said that I should have the site.

(Sd) Pompa Reddy.

Statement of Ranga Rao, Karnam of Agasanur before the Tahsildar , Siruguppa.

I am working as a Karnam since 5 years . The site in question belong to the Government. Govinda reddy was residing in that house and he used to heap manure adjacent to the fort-wall in the objection site. The Tahsildar has remarked in the Adangal register that the use of the site for heaping manure is an objection and the heap should be removed. If the heap isx not removed, he has asked to issue a B. Memo. As Govinda reddy removed the heap, no further action was taken against him. They have not occupied the space except the heaping up of manure there. Other ryots have now heaped up manure and have occupied the land. Racholli Lachumakka is now living in the house built in the site granted by the Government. Pompa Reddy was not at all living in the house adjacent to the objection site. Govinda reddy was there. After his death, Pompa reddy got the house. He is not living there but has ~~xx~~ store up grain.

(Sd) A Ranga Rao.

(True copy)

Statement of Narasimha Reddy Village Magistrate of Agasanur.

I am the reddy of the village since 1918 March. The site in question is an open space. The site is not in the possession of Pompa Reddy. When Govinda reddy used the open space for heaping manure, the Tahsildar objected his action and asked him to remove the heap. The Tahsildar has asked the Village Officers to issue B.Memo if the manure heap was removed. The open space is used by the public for grazing cattle. Now the site is not used by Pompa Reddy for any purpose. Pompa Reddy has heaped up some stones when the site was granted to build a house to R. Lachumakka. At the time of Partition about 18 - 19 years ago, Govinda Reddy got the house adjacent to the objection site. The Partition deed was executed without registering it. There arose a quarrel at the time of dividing the lands and they went to court for decision where they were fined Rs. 150/- for not executing the partition deed by registration.

I collected and remitted the amount into the treasury after the issue of takid from the taluk office. I have seen the Partition deed but it is not stated therein the name of the owner of the site in objection. As it is Government land it is not written there.

(Sd) Narasimhareddy.

(True copy)

Gift deed of the properties valued at Rs. 4000/- four thousand executed on the 22nd February 1932 (Projotpatti (year) Magha (Month) Suddha 15 (day)).

--

Executant.	Executor.
Rompa Reddi son of Madhava Reddi yavara Venkata Reddi, Motati Kapu cultivator, Agasanur, Siruguppa taluk.	Madhava Reddiyavara Hire Govinda Reddi son of Madhava Reddiyavara Narasana Gowd, Motati kapu cultivator, Agasanur, Siruguppa taluk

--

You are my own brother's son. Due to my affection towards you, I am executing a Gift deed of the properties, valued at the above said amount, enumerated in the schedule below. Since today the properties named herein will be in your possession and enjoyment. My heirs and myself will have no right to enjoy them.

Schedule.

Bellary district.

Siruguppa Sub Registration district.

Agasanur village.

Description of land.	S.No.	Extent. A C	Assessment.	
Govt. Dry.	148(portion)	0-86	1-15-0	Registered in the name of Madhava Reddiyavara Veeranagowd in kulam No. 2. The portion that has come to my share and that is to the north of Ramachandra Patti
m Dry.	144 G	~~3-09~~ 3.09	6-15-0	Registered in my name in T.D. Nos. 1465 and 1469.
Do.	149 A (portion	1-40	3-2-0	Registered ~~inx~~ jointly in the name of Veeranagowd and myself in T D No.1459. The portion that has come to my share and that is to the south of Veeranagowd's patti.
Do.	190 G(portion)	2-37	4-0-0	Registered in the name of Madhava Reddiyavara Govinda Reddi in T D No. 481. The portion that has to come to my share and that is to the south of Veeranagowd's patti.
Do.	320 (portion)	5-49	6-3-0	Registered jointly

jointly in the name of Veeranagowd and Madhava Reddi Govinda Reddi in T D No. 207. The portion that has come to my share and that is to the east of Veeranagowd's patti.

Total 13 Acres, 21 cents.

(In line 25, "NNi" is struck off, " NANA" (my) is an interlineation).

(Sd) Madhavareddiyavara Govindareddi.

Particulars of the properties situate in the said Agasanur village of the Siruguppa Sub Registration district.

Description of the property.	Boundaries. East.	West.	North.	South.	Remarks.
Roofed house door facing east.	Open site.	Public lane.	Rastha.	Rasta.	East-West 25 Yds. North-South 12½ "
Do.	Rasta	Open site.	House of Gyana	Rasta.	East-west 13 " North-south. 6 "
Roofed house door facing north.	Fort wall.	Rasta.	Public lane	Houses of Uppara Devuga and Dodda Braga.	East-west 13½ " North-south 17½"
Roofed house door facing east.	Rasta	House of Venkata Narasayya.	House of Hirelinga alias Sidada.	Rasta	East-west 17 " North-south 7½"
Open site.	House of Ayyaga	House of Bheema	Rasta & the house of Talavara Huseni.	Open site of Krista Reddi.	East-west North-south 7½"
Open yard facing north.	Rasta	Open yard of Ramachendra Reddi.	House of Venkatarama-nappa.	Rasta.	East-west 27" North-south 25"

Registered in my name in kulam No. 5 of Motradinne village in the Siruguppa Sub Registration District, Bellary District.

Description.	S. No.	Extent. A	C	Assessment.
Govt. Dry.	7	8	50	14-6-0
	6	18	24	30-13-0

Total 26 Acres 74 cents.

The lands in Agasanur and Motradinne have to be registered in your name under a separate kulam.

Kulam.

(In line 20, '14' is struck off. "27" is an interlineation

In line 21, "14½2 is struck off.)

Witnesses. (Sd/ Madhava Reddi

yavara Hire Govinda Reddi.

1. (Sd) Hanumantna Reddy
son of Timmanagowd,
Agasanur

2. (Sd/ Karnam Venkoba Rao,
Agasanur.

Document written by Desanur Bullappa & signed by him to that effect.

Registered as document No. 106 of 1932 in Book 1, volume 173, pages 248 to 250.

(Sd) Sub Registrar

Dated 22-2-1932. Siruguppa.

6.11.

5.30 pm

11/11

11/11

Suits - (Bellary) - Bellary district Munsif's Court - O.S. 452/38 - Sreegutpi Taluk - Agasanur Village - Village site - Private claim - defence.

pp 17-18 c.f. | B. 5464/39 - From the Collector of Bellary, Rg. C. No. S.R 4/39 dt 5-11-39

11 NOV 1939

Rey B. 3745/39-2 dt 11-11-39.

The Collector is requested to apply for a short adjournment of the Suit in question.

11/11

11/11

the Coll of Bellary.

O.N.

The Suit is posted for hearing to 15-11-39. 12th & 13th are holidays. M-1 leaves for Vizagapatam district on 13-11-39. Hence, adjournment applied for.

Suit - Original - (Bellary) -
Bellary District Munsiff's Court -
O.S. 458 of 1938 - Siruguppa Taluk -
Agasanur Village - Village site -
Private claim - defence -
re-chained.

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pp 1-2 c.f. B. 3745/38 - From the Collr. of Bellary,
S.R. No. 4/39-A1 & 26-7-39

pp 17-18 c.f. B. 5464/38 - From the Collr. of Bellary.
Rg. C. S.R. 4/39 & 5-11-39.

p. 41 c.f. Bds. Rg. B. 3745/39-2 & 11-11-39

Resoln (Misc) 3373 & 25-11-39.

The Board sanctions the defence of the suit and approves the draft written statement submitted by the Collector with his first letter cited above subject to the following modification:

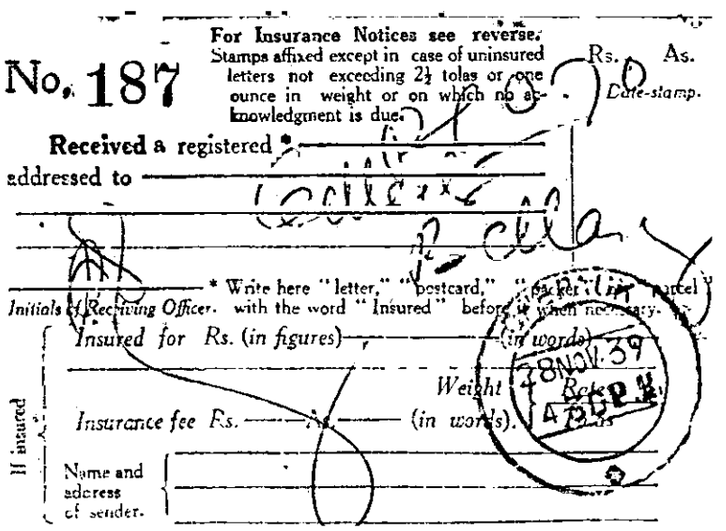
Add the following as Para 1 to the draft written statement and re-number the subsequent paras:

"1. The description of the defendant has not been correctly given."

Proceedings drawn up accordingly.

25.11.39

To the Collector of Bellary with
(1) Tahsildar's R. Dis. 40/47 & 19-9-38. (V)
(2) " Rg. C. No. 1911/39-B2 & 24-10-39 (M)



For Insurance Notices see reverse.

Stamps affixed except in case of uninsured letters not exceeding 2½ tolas or one ounce in weight or on which no acknowledgment is due.

No. 187

Rs. As.

Date-stamp.

Received a registered *

addressed to

* Write here "letter," "postcard," "packet," "parcel" with the word "Insured" before it when necessary.

Initials of Receiving Officer.

If insured

Insured for Rs. (in figures) *(in words)*

Weight

Insurance fee Rs. *(in words).*

Name and address of sender.

28 NOV. 39

Suits - (Bellary) - Bellary District Munsif's Court - O.S. 452/38 - Siruguppa Taluk - Agasanur (ryotwari) village - Village site - Private claim - defence.

S.R. 210 of 1940 - P. 17 C.

The facts of the case are as follows: one Lakshmakka of Agasanur Village, Bellary Tk, applied for the assignment of one cent of village site for house-building purpose. Pompa Reddi contended that the site applied for belonged to him alleging that he had inherited it from his ancestors over 60 years ago. The Tahsildar, Siruguppa, after personal inspection held that the site belonged to the Govt. and over-ruled the objections of the counter-petitioner. The Tahsildar assigned to Lakshmakka an extent of 70' x 30'. On a petition to the R.D.C., the counter-petitioner was directed to prefer an appeal against the Tahsildar's order assigning the land to Lakshmakka, if he wished. This he did not do but filed a suit straightaway against the Govt. claiming the site as his. The plaintiff did not give a notice of suit. The Local Govt. Pleader who was consulted

of the Collector in the matter is of the opinion that the suit is not maintainable in law and that it can be successfully defended. The Board may therefore defend the suit and approve the draft written statement submitted by the Collector p.15 ante.

In the plaint the Govt (defendant) has been described as "the secretary of state for India represented by the district Collector Bellary. This description is not correct. Perhaps the following may be added as para 1 to the draft written statement and the subsequent paras re-numbered:-

"1. The description of this defendant has not been correctly given."

The plaint copy submitted by the Collr. is not intelligible. A clear copy has been typed and put up at pp 11-13 ante. ~~Copy~~. The Collr. has not submitted a copy of the G.P's opinion or a gist of it as instructed in S.O no 93-2 (ii) This may be pointed out to the Collr.

P.F No. 1427 'K' 1-9 38
Ry. p.679 PJ BSO Vol. III BK No. 76

No indication is given as to how the Govt case can be proved. We are apparently to accept and all that is found is that the Taluk Sub Treasury is in the district and the Asst Commr is in the fort & it is ridiculous to suppose that

ditch outside his fort wall forms part of a house inside it. The Collector may be asked to give more details on this ~~boundary~~ aspect of the case. In his objection petition on p. 7 of (V) the Pltf has stated that his family obtained the house & the site in a Court Sale. He also refers to certain witnesses. The Collector may be asked to report if they were examined by the Tahsildar. If so with what result.

Draft urgently.

7/635

Draft submitted.

7/8
7/8
7/8

11/3535

B 3745/39 from the Coll. of Bellary dt 26-7-39 — pp 1-2 of

B. 5464/39 dt 5-11-39 — pp 17-18 of

The facts of the case are as follows:- — Sketch at p 19 of.

One Lakshmakka of Agasanur Village, — p 1 of — 11-1 / AS(LR) dt nil

Bellary Taluk, applied for the assignment of one cent of village site for the construction of a house. Pompa Reddi contended that the site applied for belonged to him alleging that he had inherited it from his ancestors over 60 years ago. The Tahsildar, Singuppa, after personal inspection held that the site belonged to the Govt. and over-ruled the objections of the counter-petitioner. The Tahsildar assigned to Lakshmakka an extent of 70' x 30'. — p 15 of (V) — Portion marked as A, B, C, D in Sketch at p

On a petition to the Revenue Divisional Officer, the counter-petitioner was directed to prefer an appeal against the Tahsildar's orders assigning the land to Lakshmakka, if he wished. This he did not do but filed a suit straightaway against the Govt. claiming the site as his, without giving a notice of suit. — p 1 of

The Coll. was requested to examine and report what evidence there is in support of the Govt.'s case, whether the petitioner has any documentary evidence in proof of private claim to the site in question — pp 15-16 of

and to submit a full and detailed report after examining the witnesses cited by the plaintiff. ~~commissioner in the matter~~ The Amin's report has been received. It shows that the plaintiff does not possess any document in support of his statement that his having purchased the house and the disputed site in a Court sale. In fact, he was invited the house by a gift deed. He claims that the site in question has been included in its boundaries. The Tahsildar, Sirsangappa, after verifying the measurements of the house on the ground, reports that they agree with those given in the document & that the site assigned to Lakshmavva ~~is not~~ is not in the measurements given in the deed. She produced two witnesses before the Tahsildar. Their evidence is interested as one of them is his relation and the other is his farm-servant. Certain respectable ryots and the village officers were also examined. Their evidence points to the fact that the site in dispute was being used by the villagers as Cattle-stand & for storing manure and that the plaintiff had no exclusive possession & enjoyment of it. The period of 12 years' adverse possession required to vest the plaintiff's title cannot be inferable. In 1935 the petitioner's family put up a manure heap on the site.

As the Tahsildar considered the occupation objectionable, the squatter removed it voluntarily. These circumstances indicate that the [illegible] been [illegible] disposal, [illegible]. The [illegible] who was [illegible] opinion that [illegible] in law [illegible] defended. [illegible]

Submitted: [illegible] Hon'ble Mr. Justice Venkatasubba Rao's Court. Hon'ble Mr. Justice Venkatasubba Rao's order.

The plaintiff [illegible] Suit and [illegible] subject to the following modification:-

In the prayer [illegible] has been [illegible] India [illegible] Bellary."

Perhaps the following may be added to the [illegible] paragraph:-

"I [illegible] has [illegible]

The point [illegible] Counsel is not legible.

has been typed out.

P.S. Claims have assigned to another as he is reported to have no good evidence in his

11.11.39

favour. Defence may be
furnished & fee awaited ~~sft~~
approved as modified.

(W)
12·XI

Note from p 4.

O. L.
23/11

SECY.
25 NOV 1939

Mis. 3373

Single Member

Dated 25-11-39.

I.A.	A.D.S. and L.R.	Assistant Secretary. Land Rev.	Settle-ment.	Sep. Rev.	Joint Secy.	Secy.	M.4.	M.3.	M.2.	M.1.

1. Open file seen by

2. Final draft seen by

3. Now circulated to

4. Initials.

29/11 29/11

Passed for record.

Secretary
Joint Secretary.

~~A.S. (C.W.)~~

A.S. (L.R.) 28/11.

~~A.S. (Sett.)~~

~~A.S. (Excise)~~

~~A.D.S. & L.R.~~

~~I.A.~~

NOTE:-- Entries not required to be scored out.